

**AMENDMENTS TO THE DRAWINGS**

This Amendment encloses five (5) Replacement Drawing Sheets including Figs. 1-7, and new Figs. 8 and 9. Applicants respectfully request approval and entry of the Replacement Drawing Sheets. The amended drawings do not add new matter.

**REMARKS**

Claims 15-28 were previously pending in the application. This Amendment amends claims 24 and 25. Claims 15-23 and 26-28 remain unchanged.

**Drawing Objections**

The Office Action objects to the drawings, as follows.

A) The Office Action objects to the drawings because the “*storage member*” and the “*evaporation chamber*” are recited in the claims but allegedly are not shown in the drawings. This Amendment adds new Figure 8 to clearly illustrate the “*storage member*” and the “*evaporation chamber*.” No new matter is added because these features are disclosed in the original specification and claims. Applicants respectfully request withdrawal of this objection.

B) The Office Action requests that Applicants address distinctness issues between "short support" (4) and "central support" (19) found in drawings and "a support" in claims 21 and 28.

Claims 21 and 28 recite “*a support formed on said air passage opening, said support having convex upwardly walls above said shaft*” and “*a support formed on said air passage opening facing said control body*,” respectively.

The specification explains that a short support 4 with a sickle-shaped cross-section is formed on the air passage opening 3. As shown in Fig. 1 and 3, an outer wall section and an inner wall section of the support 4 are curved like the arc of a circle, with the inner wall section having a lesser radius of bending than the outer wall section. The outer wall and inner wall of the support 4 form the sickle-shaped section. (Page 6, lines 1-8). The support 4 deflects water drops present on the support 4 or the shell 1 in a lateral direction away from the shaft 10, thereby preventing moisture flowing down from above. (Page 8, lines 30-35).

On the other hand, as shown in Fig. 4, the central support 19 of the control body 13, which receives the shaft 10 of the electromotor 7, is formed on the inside of the wheel disc 15 of the control body 13, not on the shell 1. (Page 7, lines 6-11).

Thus, Applicants submit that “a support” recited in claims 21 and 28 is exemplarily illustrated by the “short support 4.” Applicants respectfully request withdrawal of this objection.

C) The Office Action requests clarification of the correlation of the "central bore" element (11) with the drawings and claims.

As shown in Figs. 1-3, the specification explains that the shell 1 includes a central bore 11, which engages the shaft 10 of the motor 7. (Page 6, lines 20-24). Applicants respectfully request withdrawal of this objection.

D) The Office Action requests clarification in the drawings and specification of the "elastically mobile second end" element recited in claim 23, line 3.

This Amendment adds new Fig. 9 to clarify the features of the locking element 23, which is exemplarily illustrated in Figs. 1, 2, and 6, and explained at page 7, lines 14-31. No new matter is added because these features are disclosed in the original specification, drawings, and claims.

Claim 23 recites, in part, that “said locking element having a first end fixedly secured in said control body and said locking element having an elastically mobile second end, said elastically mobile second end can be displaced to displace said locking element from at least one of said slots.” Emphasis added.

With reference to Figs. 1 and 4-6, the specification explains that the support 19 receives the shaft 10 of the electromotor 7. The locking element 23 is inserted through the slot 22 in the support 19 and the slot 12 in the shaft 10, and is mounted on the shaft 20 and the leg 21 of the control body 13. The locking element 23 may be an L-shaped bent flexible wire. To mount the locking element 23 on the shaft 20 and leg 21, the shorter leg 23A is inserted into the bore 24 of the shaft 20, and the longer leg 23B runs through a

channel 25 at the free end of the shaft 20 and is held by a projection 26 formed on the shaft 20 under flexural loading. When mounted, the free end 23C of the longer leg 23B lies on the free edge of the leg 21 and crosses a hole 27, formed in the wheel disc 15 of the control body 13. By introducing a tool through the hole 27 and shifting the longer leg 23B downwards in Fig. 6, the longer leg 23B can be removed from the slot 12 of shaft 10 of the electromotor 7 and the slot 22 of the central support 19 of the control body 13, so that the control body 13 can be removed from the shell 1. (Page 7, lines 6-31).

Applicants respectfully request withdrawal of this objection.

E) The Office Action requests clarification of element 23 in Fig. 6.

As set forth above, this Amendment amends the paragraph at page 7, lines 6-31, to correctly refer to the locking element 23, as explained at page 7, line 15. Applicants respectfully request withdrawal of this objection.

F) The Office Action alleges that the element number 31 in Figs. 1-3 is not identified in the specification. However, Applicants respectfully submit that the legs 31 are explained at page 8, lines 17-21. Applicants respectfully request withdrawal of this objection.

This Amendment also amends Fig. 1 to correctly identify the electromotor by reference numeral 7 and the hole formed in the control body 13 by reference numeral 27, and further, amends Fig. 3 to show lead lines for reference numerals 8 and 11.

### **Claim Objections**

The Office Action objects to the claims, as follows.

A) The Office Action requests clarification between the "*cam disk*" recited in claims 17 and 18 and the elements shown in drawings.

The specification explains that the rear of the peripheral surface 16 of the control body 13 is formed as a cam disk, with two sections 17, 18 of differing radius. The radii of the sections 17, 18 are selected such that section 17 has a greater radius. When section 17 is rotated toward the key button 5, the section 17 presses in the stylus 6 and holds an electrical contact of the key button 5 open (or closed). When the section 18, which has a smaller radius than section 17, is rotated toward the key button 5, the electrical contact of key button 5 is oppositely switched. Applicants respectfully request withdrawal of this objection.

**B)** The Office Action requests clarification of the correlation between "*a sleeve*" in claims 20 and 22, and the elements in the specification and drawings.

The specification explains that the shaft 10 of the electromotor 7 extends through the central support 19, or sleeve, of the control body 13. (Page 7, lines 6-11). Applicants respectfully request withdrawal of this objection.

**C)** The Office Action requests clarification of the distinctions or sameness between the references to "*a wall*" in claims 24 and 25, lines 2 and 1. This Amendment amends claims 24 and 25 to clarify these features.

Regarding the features of claim 24, the specification explains that the locking element 23 is enclosed between the control body 13 and a partition wall 54 between the storage chamber and the evaporation chamber of the no-frost refrigerator 50. The control body 13 is swivel-mounted on the wall 54 and a free end 23C of the locking element 23 can be activated through a hole 27 formed in the control body 13.

Regarding the features of claim 25, the specification explains that the substantially cylindrical shell element 1 may be formed with the partition wall 54, and an air passage opening 3 is formed in the cylindrical shell element 1.

The phrase "*a wall*" is introduced for the first time in each of claims 24 and 25, and thus, proper antecedent basis is provided. Applicants respectfully request withdrawal of this objection.

D) The Office Action alleges that the drawings and invention description fail to clearly define "*elastically mobile second end*" in Claim 23, line 3.

As set forth above, this Amendment adds new Fig. 9 to clarify the features of the locking element 23, as shown in Figs. 1, 2, and 6, and explained at page 7, lines 14-31. Applicants respectfully request withdrawal of this objection.

E) The Office Action requests clarification of the correlation of "*a hole*" in Claim 24 to the drawings.

As set forth above, the specification explains that the control body 13 is swivel-mounted on the wall 54 and a free end 23C of the locking element 23 can be activated through a hole 27 formed in the control body 13, as shown in Fig. 1. Applicants respectfully request withdrawal of this objection.

#### **The Janke et al. Reference**

The Office Action rejects claims 15-21 and 25-28 under 35 USC §102(b) as allegedly being anticipated by the Janke et al. reference (U.S. Pat. No. 4,920,758).

The Janke et al. reference does not teach the features of the claimed invention including "*an evaporation chamber [and] an air passageway having a plane and enabling air exchange between said storage chamber and said evaporation chamber.*"

The claimed invention provides an air passageway enabling air exchange between the storage chamber and the evaporation chamber that minimizes, for example: (1) susceptibility to freezing, (2) space requirements, and (3) manufacturing costs. (Page 2, lines 3-7).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. [...] The identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P. § 2131.

The Office Action alleges that the Janke et al. reference discloses a storage chamber (22, figure 1) and a freezer compartment (20, figure 1), which is compared to an evaporation chamber allegedly because air sent through the evaporator passes through fan aperture (28) and is stored in this compartment. (Office Action at pages 4-5).

In contrast to the claimed invention, and as the Office Action specifically acknowledges, the Janke et al. reference merely discloses a freezer compartment 20 and a fresh food, or above freezing, compartment 22, not an evaporation chamber. (Col. 3, lines 44-49). That is, neither the freezer compartment 20 nor the fresh food compartment 22 is an evaporation chamber. Thus, the Janke et al. reference does not disclose at least “*an evaporation chamber [and] an air passageway having a plane and enabling air exchange between said storage chamber and said evaporation chamber*” as recited in Claim 15.

For these and other reasons, the Janke et al. reference does not anticipate the subject matter defined by independent Claim 15. Claims 16-21 and 25-28 depend from Claim 15 and are allowable for the same reasons and also because they recite additional patentable subject matter. Applicants respectfully request withdrawal of this rejection.

**The Janke et al. Reference in view of the Oike reference**

The Office Action rejects claims 15-21 and 25-28 under 35 USC §103(a) as allegedly being unpatentable over the Janke et al. reference in view of the Oike reference (U.S. Pat. No. 4,852,361). Applicants respectfully traverse this rejection.

Neither the Janke et al. reference nor the Oike reference, either individually or in combination, teaches or suggests (1) “*an air passageway having a plane and enabling air exchange between said storage chamber and said evaporation chamber*” and (2) “*a control body arranged on said air passage opening*” as recited in Claim 15. Applicants also respectfully submit that one of ordinary skill in the art would not have been motivated to combine the teachings of the Janke et al. reference with the teachings of the Oike reference.

The Janke et al. reference discloses a baffle 48 connecting a freezer compartment 20 and a fresh food, or above freezing, compartment 22. Similarly, the Oike reference merely discloses a freezer compartment return duct 21 connecting the freezer compartment 7 and the lower refrigerating compartment 9.

Thus, neither the Janke et al. reference nor the Oike reference, either individually or in combination, teaches or suggests (1) *“an air passageway having a plane and enabling air exchange between said storage chamber and said evaporation chamber”* and (2) *“a control body arranged on said air passage opening”* as recited in Claim 15.

For these and other reasons, the Janke et al. reference and the Oike reference, either individually or in combination, do not disclose or suggest the subject matter defined by independent Claim 15. Claims 16-21 and 25-28 depend from Claim 15 and are allowable for the same reasons and also because they recite additional patentable subject matter. Applicants respectfully request withdrawal of this rejection.

**The Janke et al. Reference in view of the Ross reference**

The Office Action rejects claims 22-24 under 35 USC §103(a) as allegedly being unpatentable over the Janke et al. reference in view of the Ross reference (U.S. Pat. No. 2,914,364). Applicants respectfully traverse this rejection.

In particular, Applicants respectfully submit that the Ross reference is non-analogous and, therefore, is not available to the Examiner to apply against the present application in an obviousness rejection.

In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must be analogous prior art. M.P.E.P. § 2141.01(a). "Under the correct analysis, any need or problem known in the field of endeavor at the time of the invention and addressed by the patent [or application at issue] can provide a reason for combining the elements in the manner claimed. [ ... ] Thus, a reference in a field different from that of applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole."



In the present instance, the Ross reference is non-analogous because the Ross reference is neither within the field of applicant's endeavour, nor, reasonably pertinent to the particular problem with which the inventor was concerned because the subject matter with which it deals, logically would not have commended itself to an inventor's attention for solving such a problem.

The field of applicants' endeavour is the field of no-frost refrigerators and, more particularly, air passageways enabling air exchange between storage chambers and evaporation chambers of no-frost refrigerators. In stark contrast, the Ross reference is in the completely different and unrelated field of sealed wheels for supporting trucks and carts in factories, plants, warehouses, and similar operations, especially under circumstances where the vehicles carried by the wheels must be kept in a clean and sanitary condition. (Col. 1, lines 15-21).

Clearly, the Ross reference is not within the applicants' field of endeavour of no-frost refrigerators, let alone air passageways enabling air exchange between storage chambers and evaporation chambers of no-frost refrigerators.

The Ross reference is also not reasonably pertinent to the particular problem with which the inventor was concerned. The inventor was concerned with the problems of minimizing the susceptibility to freezing, space requirements, and manufacturing costs of air passageways enabling air exchange between storage chambers and evaporation chambers of no-frost refrigerators. In stark contrast, the Ross reference is directed to the problem of keeping vehicles carried by the wheels in a clean and sanitary condition. (Col. 1, lines 15-21).

Clearly, the Ross reference has absolutely nothing to do with solving the problems of minimizing the susceptibility to freezing, space requirements, and manufacturing costs of air passageways enabling air exchange between storage chambers and evaporation chambers of no-frost refrigerators. The Ross reference is not reasonably pertinent to the particular problem with which the inventor was concerned.

Applicants respectfully submit that the Ross reference is non-analogous because it is neither within the field of applicants' endeavour, nor, reasonably pertinent to the

particular problem with which the inventor was concerned because the subject matter with which it deals, logically would not have commended itself to an inventor's attention for solving such a problem. As such, the Ross reference is not available to the Examiner to apply against the present application in an obviousness rejection. Applicants respectfully request withdrawal of this rejection.

**Priority Documents**

Applicants respectfully request that the next Office Action acknowledge that the certified copies of the priority documents have been received in this National Stage application from the International Bureau by checking Box 12(a)(3) on the Office Action Summary.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of Claims 15-28 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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